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17 *Attorneys for Defendants Spectrum
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19 **UNITED STATES DISTRICT COURT**

20 **DISTRICT OF NEVADA**

21 IN RE SPECTRUM
22 PHARMACEUTICALS, INC.
23 SECURITIES LITIGATION

24 Case No.: 2:16-cv-02279-RFB-GWF

25 **STIPULATION AND ORDER TO
26 EXTEND TIME FOR DEFENDANTS TO
27 FILE ANSWER TO AMENDED
COMPLAINT [ECF NO. 52]**

28 **(FIRST REQUEST)**

29 Defendants Spectrum Pharmaceuticals, Inc., Joseph Turgeon and Lee Allen ("Spectrum
30 Defendants"), by and through their counsel of record, the law firms of Peterson Baker, PLLC and
31 Paul Hastings LLP, Defendant Rajesh Shrotriya ("Shrotriya"), by and through his counsel of record,
32 the law firms of Snell & Wilmer, L.L.P. and Fenwick & West LLP (the Spectrum Defendants and
33 Shrotriya are collectively, "Defendants"), and Plaintiffs Michael Bestwick and Mark Hawkins
34 ("Plaintiffs"), by and through their counsel of record, the law firms of Leverty & Associates Law
35 Chtd., The Rosen Law Firm, P.A. and Bronstein Gewirtz & Grossman, LLC hereby agree and
36 stipulate, subject to the Court's approval, as follows:

37 1. Plaintiff Glen Hartsock filed his Complaint [ECF No. 1] on September 28, 2016.

1 2. An Order to Consolidate [ECF No. 48] Case Nos. 2:16-cv-02649-KJD-VCF and
2 2:16-cv-02279 RFB-GWF was entered on October 6, 2017.

3 3. Plaintiffs' Amended Complaint [ECF No. 52] was filed on November 21, 2017,
4 identifying proposed lead plaintiffs as Michael Bestwick and Mark Hawkins.

5 4. Defendants' Motion to Dismiss the Consolidated Amended Complaint [ECF No. 56]
6 ("Motion to Dismiss") was filed January 19, 2018, and a hearing on the motion was held on
7 September 21, 2018.

8 5. The Court granted the Motion to Dismiss in part and denied it in part. Specifically,
9 the Court granted the Motion to Dismiss as to defendants Kurt A. Gustafson and Joseph K. Keller
10 and denied the Motion to Dismiss as to the remaining Defendants. *See Minutes of Proceedings*
11 [ECF No. 80].

12 6. The parties filed their Joint Report of Fed. R. Civ. P. 26(f) Conference and
13 Discovery Plan Pursuant to Local Rule 26-1 [ECF No. 82] ("Discovery Plan") on October 3, 2018.

14 7. In the Discovery Plan, Plaintiffs proposed that Defendants' answers to the Amended
15 Complaint should be filed no later than November 5, 2018. Defendants proposed the deadline
16 should be 30 days from the denial of either the motion for certification or the interlocutory appeal,
17 if applicable. In the Discovery Plan, the parties agreed that an Answer would not need to be filed
18 before November 5, 2018, subject to further order of the court.

19 8. Defendants did file their Joint Motion to Certify Motion to Dismiss Order [ECF No.
20 80] for Interlocutory Appeal to 28 U.S.C. §1292(b) [ECF No. 87] on October 22, 2018, and further
21 filed their Joint Motion for a Stay of Proceedings Pending Outcome of Motion for Certification for
22 Interlocutory Appeal Pursuant to 28 U.S.C. §1292(b) [ECF No. 88] on October 22, 2018.

23 9. On October 16, 2018, the Court entered a Scheduling Order [ECF No. 84], but did
24 not identify an Answer date from the proposals by both Plaintiffs and Defendants.

25 10. Plaintiff Glen Hartsock filed his Notice of Dismissal Without Prejudice [ECF No.
26 90] on October 29, 2018.

1 11. So there is no ambiguity, the parties have agreed to extend any deadline for
2 Defendants to file their answers to the Amended Complaint [ECF No. 52] from November 5, 2018
3 through and including November 30, 2018.

4 12. In light of the foregoing, the Parties submit that good cause exists for the Court to
5 approve this Stipulation, and respectfully request that, as set forth herein, the Court extend the time
6 for Defendants to file their answer to the Amended Complaint.

7 13. This is the first stipulation for extension of time to file an Answer.

8 DATED: October 31, 2018.

9 Respectfully submitted,

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36 *Attorneys for Defendant Dr. Raj Shrotriya*

37 **ORDER**

38 IT IS SO ORDERED.

39 DATED: 11/01/2018

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41 _____
42 THE HONORABLE GEORGE W. FOLEY
43 UNITED STATES MAGISTRATE JUDGE